

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV09-8025-AHM (JEMx)	Date	May 5, 2010
Title	GERALD L. PEARLMAN, et al. v. WASHINGTON MUTUAL, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

**Proceedings:** IN CHAMBERS (No Proceedings Held)  
**Further Order to Show Cause re Dismissal for Lack of Prosecution**

This Order is issued pursuant to FRCP 4(m), which requires that plaintiff(s) serve the summons and complaint upon all defendants within 120 days after filing the complaint. The Court may dismiss the action prior to the 120 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the responsibility of plaintiff to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court, Local Rule 7-1.

On April 12, 2010, plaintiffs filed their First Amended Complaint and on April 29, 2010, defendant Orion's Flight LLC filed its motion to dismiss. However, the file in this case lacks the papers that would show it is being timely prosecuted against defendants Shapell Industries, Inc., Jacob Chakko, Frank Marasco, Berkshire Development Group, LLC, Frank Reveles, DOES, JP Morgan Chase NA, Federal Deposit Insurance Corporation, and Nights Sky LLC, as reflected below. Accordingly, the Court, on its own motion, hereby orders plaintiffs to show cause in writing no later than May 17, 2010 why this action should not be dismissed as to defendants Shapell Industries, Inc., Jacob Chakko, Frank Marasco, Berkshire Development Group, LLC, Frank Reveles, DOES, JP Morgan Chase NA, Federal Deposit Insurance Corporation, and Nights Sky LLC for lack of prosecution.

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As an alternative to a written response by plaintiff(s), the Court will accept one of the following, if it is filed on or before the above date, as evidence that the matter is being prosecuted diligently.

- Proof of service of summons and complaint (applicable for defendant(s) who have not been served)
- In cases removed from State Court, responsive pleadings filed by all defendants
- Request for entry of default by plaintiff(s) (applicable where defendants have been served but not answered)
- Motion for default judgment or request for clerk to enter default judgment

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

Initials of Preparer	_____ : _____
	_____ SMO _____